

Favorable action is respectfully required.

Respectfully submitted,

LARSON & TAYLOR, PLC

A handwritten signature in black ink, appearing to read "Marvin Petry", written over a horizontal line.

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September 5, 2002



## ATTACHMENT A

### Marked Up Replacement Claims

Following herewith is a marked up copy of each rewritten claim.

7. (Amended) An instrument according to claim 1, including a pusher which is mounted on ~~the arms~~ and slidable along the longitudinal guide structure for pushing the pivot element, and including an elongated rod extending from said pusher towards the pivotally supported ends of the arms.

8. (Amended) An instrument according to claim 1, wherein the two arms are disposed adjacent each other at their free ends and constructed such that the retention device on one of the arms ~~rests into~~ is positioned adjacent to the retention device on the other arm.

18. (Amended) An instrument according to claim 17, wherein at least a portion of the arm carrying the retention device ~~constitutes the locking bar which~~ is rotatable about its longitudinal axis to rotate the locking bar, and which such that in one position the locking bar of the arm locks the connected implant part and in another angular position of the arm, releases ~~it~~ the connected implant.

19. (Amended) An instrument according to claim 18, wherein the retention device has a pin which engages a receiving bore on the connected implant part and the ~~pin has a protrusion protruding~~ locking bar protrudes laterally from this pin to engage or disengage a notch on the connected implant part to lock or release it, respectively.

32. (Amended) An instrument according to claim 31, wherein the ~~third~~ lower part includes grooves aligned with the grooves of the legs, whereby the pusher can push the pivot element along the legs of the first arm and directly into the lower part.

39. (Amended) An instrument according to claim 38, said lower arm comprising a pair of parallel legs, the space between said parallel legs being less than the distance between the said parallel planes, and the upper arm comprising a single rod located centrally between the two legs of the lower arm.

43. (Amended) An instrument for inserting an intervertebral implant into an intervertebral space between adjacent vertebrae, comprising:

a working space defined by parallel planes which pass through opposed outer surfaces of the implant and are parallel to the direction of insertion movement of the implant into the intervertebral space,

an elongated structure comprising three elongated arms for holding and inserting the implant, and

wherein said elongated structure is located and operable completely within said working space.

45. (Amended) An instrument according to claim 44, ~~including a~~ wherein the three arms include separate ~~arm~~ arms for engaging each of the two parts, both of which arms are located and operable completely within the working space.

47. (Amended) An instrument according to claim 45, ~~including wherein the~~  
three arms include a further arm for engaging the third part, said third arm also being  
moveable and operable completely within said working space.

48. (Amended) An instrument according to claim 45, wherein the first said  
two arms are mounted for pivotable movement relative to each other about an end  
remote from the ends which engage the first and second parts.

49. (Amended) An instrument according to claim 45, the implant including a  
third part located between the first and second parts, and ~~including wherein the third~~  
arm includes a third arm moveable along the first two said arms for engaging the third  
part, all three arms being located and operable completely within said working space.

53. (Amended) An instrument for inserting a three piece intervertebral implant  
of the type having upper and lower parts which engage adjacent vertebrae and a third  
part located between the upper and lower parts,

an upper arm for holding the upper part and a lower arm for holding the lower  
part,

the lower ~~part~~ arm comprising a pair of elongated legs which engage the lower  
part at the free end thereof,

and wherein at least one of the legs is rotatable about its axis to move its free end between a locked position whereat it locks the lower part thereon and an unlocked position whereat the lower part is free to be removed from said free end.

54. (Amended) An instrument according to claim 53, wherein both legs have pins at the ends thereof which each engage a bore in the lower part, ~~the pins~~ pin on said at least one rotatable leg having a protrusion extending perpendicular to the pin, and wherein in one rotational position of the rotatable leg, the protrusion engages an opening in the lower part to retain ~~it~~ the lower part thereon, and in the other rotatable position of the leg, the protrusion releases the lower part.

55. (Amended) An instrument according to claim 54, wherein both of said legs of the lower arm are rotatable and have ~~a pin~~ pins, each with a protrusion at ~~their~~ its free ends end and a corresponding opening in the lower part, and wherein the upper arm includes pins at its free end for engaging the upper part.